

FINDINGS, CONCLUSIONS AND DECISION  
OF THE CITY COUNCIL OF THE CITY OF SEATTLE

In the matter of:	) C.F. 311812
	)
Application of Trenton Associates-McClellan LLC for approval of a contract rezone of approximately 67,948 sq. ft. of land at both 2615 25th Avenue South and 2715 – 25th Avenue South, from Single Family 5000 (SF 5000) to Seattle Mixed with a 65 foot limit (SM - 65'), to allow two- seven story structures containing a total of 307 residential units with parking for 222 vehicles, and including 13, 230 cu. yds. of grading in an environmentally critical area. (Related Project No. 3012417; Project No. 3012217, Type IV)	) FINDINGS, CONCLUSIONS ) AND DECISION
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Introduction

This matter involves the petition of Trenton Associates-McClellan LLC, by Scott Roberts, (“Proponent”) for a contract rezone of two sites, located at 2615 – 25<sup>th</sup> Ave South and 2715 – 25<sup>th</sup> Avenue South. The sites, depicted on Attachment A, total approximately 67,948 square feet lot land; the proposal is to rezone the property from Single Family 5000 (SF 5000) to Seattle Mixed with a 65 foot height limit. The following development is proposed for each site:

- A seven story building at 2615 – 25<sup>th</sup> Ave S with 111 dwelling units and 123 parking spaces;
- A seven story building at 2715 – 25<sup>th</sup> Ave S with 196 dwelling units and 99 parking spaces;

On January 3, 2013, the Director of the Department of Planning and Development (DPD) recommended approval of the proposed rezone and proposed development. On January 28, 2013, the City of Seattle’s Hearing Examiner held an open record hearing on the petition, and left the

record open until February 2, 2013 to allow the Hearing Examiner a site visit. On February 11, 2013 the Hearing Examiner issued Findings and Recommendations recommending approval of the rezone.

On March 27, 2013, the matter came before the Planning, Land Use, and Sustainability Committee (PLUS), which reviewed the Hearing Examiner's record and Council staff's report and recommendations. Council staff made two recommendations on the Hearing Examiner's recommended conditions. The Hearing Examiner recommended that Council adopt a condition (DPD's Recommended Condition 4, Hearing Examiner's Exhibit 1) to require an addendum to a traffic study addressing parking impacts of the proposed development, using the Design Review component – authorized under Seattle Municipal Code (SMC) Section 23.41 - of the Master Use Permit to impose that condition. Council staff recommended that PLUS members not adopt that condition, as SMC Section 23.41 does not authorize evaluation or mitigation of parking impacts of a development; that authority is found under the city's environmental (SEPA) ordinance, SMC 25.05. Council staff also recommended that no conditions to further evaluate or mitigate parking impacts of the project were warranted, as the record provided sufficient evidence (September 7, 2012 Traffic Study Addendum, Hearing Examiner's Exhibit 12) that on-street parking supply in the area *was* adequate to address parking impacts of the development. PLUS members deliberated on both of Council staff's recommendations and found that: 1) SMC 23.41 may not be used to analyze or mitigate parking impacts, and 2) that parking impacts of the proposed development had been adequately analyzed, and that no conditions were warranted.

At their April 24, 2013 committee meeting, PLUS voted to approve the rezone and adopted these Findings, Conclusions and a Decision for this Clerk's File, and voted to approve a related Ordinance (Council Bill XXXXXX ) to change the City's Official Land Use Map; both

matters were referred to full Council for a vote. PLUS also approved an amendment to the title of the Clerk's File, which is reflected in title of this document.

### Findings of Fact and Conclusions

The Council hereby adopts the Hearing Examiner's Findings of Fact, Conclusions and Recommendation for C.F. 311812, dated February 11, 2013, but amends it as follows:

1. The Council does not adopt DPD's recommended Condition Number 4 related to evaluating parking impacts under SMC 23.41 - the City's Design Review program; this condition was also recommended by the Hearing Examiner but was not numbered.

2. The Council finds that the impacts of reducing parking from 294 spaces to 222 spaces were adequately analyzed in the Hearing Examiner's record (Hearing Examiner's Exhibit 12), finds that no additional analysis or mitigation of parking impacts are needed, and does not adopt recommended conditions on this issue.

All other Conditions in the Hearing Examiner's recommendation are adopted

### Decision

The Council hereby GRANTS a rezone of the properties from SF 5000 to SM-65 as reflected in Attachment A, subject to the conditions set forth in the Property Use and Development Agreement (PUDA) attached to Council Bill XXXXX (Ordinance \_\_\_\_\_).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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City Council President

ATTACHMENT A

